

IC 13-17-3

Chapter 3. Powers and Duties Concerning Air Pollution Control

IC 13-17-3-1

Assistance to local governments

Sec. 1. The department shall provide assistance on air pollution matters to towns, cities, and counties.

As added by P.L.1-1996, SEC.7.

IC 13-17-3-2

Inspections

Sec. 2. The commissioner may conduct inspections under air pollution control laws in accordance with IC 13-14-2.

As added by P.L.1-1996, SEC.7.

IC 13-17-3-3

Enforcement

Sec. 3. Air pollution control laws may be enforced under IC 13-14-2-6 or IC 13-30-3.

As added by P.L.1-1996, SEC.7.

IC 13-17-3-4

Adoption or amendment of rules

Sec. 4. (a) The board shall adopt rules under IC 4-22-2 that are:

- (1) consistent with the general intent and purposes declared in IC 13-17-1 and section 1 of this chapter; and
- (2) necessary to the implementation of the federal Clean Air Act (42 U.S.C. 7401 et seq.), as amended by the Clean Air Act Amendments of 1990 (P.L.101-549).

(b) Notwithstanding IC 13-15-5, the board may adopt rules under IC 4-22-2 and IC 13-14-9 that allow the commissioner's actions on permits and permit modifications to become effective immediately, regardless of whether a thirty (30) day comment period is held on the permits or permit modifications. The board may adopt rules under this subsection only after considering the:

- (1) environmental significance of;
- (2) federal requirements for federally delegated or approved programs concerning; and
- (3) need for opportunity for public participation on;

the permits or permit modifications.

(c) The board may adopt rules to require sources to report hazardous air pollutant emissions if the reporting is necessary to demonstrate compliance with emissions and other performance standards established under 42 U.S.C. 7412 or 42 U.S.C. 7429. The board may amend 326 IAC 2-6 to allow the department to request hazardous air pollutant emissions data from individual sources for the purpose of site specific studies of hazardous air pollutant:

- (1) emissions; and
- (2) impacts.

(d) The board may amend 326 IAC 2-6 or adopt new rules to establish a general requirement for sources to report hazardous air pollutant emissions (as defined by 42 U.S.C. 7412(b)).

As added by P.L.1-1996, SEC.7. Amended by P.L.90-1998, SEC.18; P.L.166-2002, SEC.2; P.L.159-2011, SEC.21; P.L.13-2013, SEC.47; P.L.79-2014, SEC.4.

IC 13-17-3-4.5

Repealed

(As added by P.L.16-2009, SEC.20. Repealed by P.L.159-2011, SEC.49.)

IC 13-17-3-5

Violations

Sec. 5. Violations of air pollution control laws are subject to the penalties imposed by the following:

- (1) IC 13-30-4.
- (2) IC 13-30-5.
- (3) IC 13-30-8.

In addition, a violation of air pollution control laws may lead to criminal prosecution under IC 13-30-10.

As added by P.L.1-1996, SEC.7. Amended by P.L.137-2007, SEC.8.

IC 13-17-3-6

Repealed

(As added by P.L.1-1996, SEC.7. Repealed by P.L.133-2012, SEC.119.)

IC 13-17-3-7

Orders; review by environmental law judge

Sec. 7. (a) The commissioner may enter into agreed orders as provided in IC 13-30-3-6.

(b) An environmental law judge under IC 4-21.5-7 shall review orders and determinations of the commissioner.

As added by P.L.1-1996, SEC.7.

IC 13-17-3-8

Additional duties

Sec. 8. The board shall carry out other duties imposed by law.

As added by P.L.1-1996, SEC.7.

IC 13-17-3-9

Powers of commissioner to assist affected or interested groups

Sec. 9. (a) The commissioner shall assist and cooperate with other groups interested in and affected by air pollution.

(b) The commissioner may do the following:

- (1) Advise, consult, and cooperate with:

- (A) other state agencies;
- (B) towns, cities, and counties;
- (C) industries;
- (D) other states;
- (E) the federal government; and
- (F) affected groups;

in the prevention and control of new and existing air contamination sources within Indiana.

(2) Encourage and conduct studies, investigations, and research relating to the following:

- (A) Air pollution.
- (B) The causes, effects, prevention, control, and abatement of air pollution.

(3) Collect and disseminate information relating to the following:

- (A) Air pollution.
- (B) The prevention and control of air pollution.

(4) Encourage voluntary cooperation by persons, towns, cities, and counties or other affected groups in restoring and preserving a reasonable degree of purity of air within Indiana.

(5) Encourage authorized air pollution agencies of towns, cities, and counties to handle air pollution problems within their respective jurisdictions to the greatest extent possible.

(6) Upon request, provide technical assistance to towns, cities, or counties requesting technical assistance for the furtherance of air pollution control.

(7) Represent the state in all matters pertaining to plans, procedures, or negotiations for interstate compacts in relation to the control of air pollution.

(8) Accept and administer grants or other money or gifts for the purpose of carrying out any of the functions of air pollution control laws.

As added by P.L.1-1996, SEC.7.

IC 13-17-3-10

Funds

Sec. 10. The commissioner may budget and receive appropriated money for expenditures to carry out air pollution control laws.

As added by P.L.1-1996, SEC.7.

IC 13-17-3-11

Power to adopt rules under state discretionary authority

Sec. 11. The board may adopt rules under IC 4-22-2 and IC 13-14-9 under discretionary authority granted to the state by:

- (1) the federal Clean Air Act (42 U.S.C. 7401 et seq.), as amended by the Clean Air Act Amendments of 1990 (P.L.101-549); or
- (2) a regulation adopted under the federal Clean Air Act.

As added by P.L.1-1996, SEC.7. Amended by P.L.133-2012,

SEC.120.

IC 13-17-3-12

Effect of express grant of authority on additional activities

Sec. 12. Unless otherwise indicated, any express grant of authority provided to the board under this title may not be interpreted to prohibit the board from adopting rules that extend the grant of authority to cover additional activities in accordance with section 4 of this chapter or IC 13-14-8.

As added by P.L.1-1996, SEC.7.

IC 13-17-3-13

Issuance of permit to a solid waste incinerator

Sec. 13. The commissioner may not issue any permit to a solid waste incinerator required by the federal Clean Air Act (42 U.S.C. 7401 et seq.), as amended by the Clean Air Act Amendments of 1990 (P.L. 101-549), if the commissioner is also responsible in whole or in part for the design, construction, or operation of the unit.

As added by P.L.1-1996, SEC.7.

IC 13-17-3-14

Duty to adopt rules classifying areas and setting air quality standards

Sec. 14. The board shall adopt rules under IC 4-22-2 that do the following:

- (1) Classify regions into attainment areas and nonattainment areas for regulated air pollutants based upon scientific study of geographical, topographical, and meteorological data.
- (2) Set standards for ambient air quality for each region to effectuate the purposes of air pollution control laws.

As added by P.L.1-1996, SEC.7.

IC 13-17-3-15

Rules and standards limiting noise emission

Sec. 15. (a) The board may adopt rules and standards prescribing limitations on noise emission. In adopting rules under this section, the board may prescribe that a person may not emit or cause to be emitted any noise that:

- (1) unreasonably interferes with any lawful business or activity;
or
 - (2) is injurious to the health or well-being of any person.
- (b) The board may adopt rules concerning the following:
- (1) Equipment and procedures for monitoring noise.
 - (2) The collection and retention of data resulting from the monitoring.
 - (3) The reporting of data to the board.

As added by P.L.1-1996, SEC.7.